

FILED
CLERK, U.S. DISTRICT COURT
JUN 17 2008
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]*

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Garcia Ochoa

Defendant.

CR 08-512-JSL

} ORDER OF DETENTION AFTER HEARING
(18 U.S.C. § 3142(i))

I.

A. On motion of the Government involving an alleged

1. crime of violence;

2. offense with maximum sentence of life imprisonment or death;

3. narcotics or controlled substance offense with maximum sentence of ten or more years

(21 U.S.C. §§ 801, /951, et. seq., /955a);

4. felony - defendant convicted of two or more prior offenses described above.

B. On motion (by the Government) / (by the Court sua sponte involving)

1. serious risk defendant will flee;

2. serious risk defendant will

a. obstruct or attempt to obstruct justice;

b. threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

(3)(b) felony charge involving possession of a weapon

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but defendant needs not

II.

The Court finds no condition or combination of conditions will reasonably assure:

- A. () appearance of defendant as required; and/or
- B. () safety of any person or the community;

III.

The Court has considered:

- A. () the nature and circumstances of the offense;
- B. () the weight of evidence against the defendant;
- C. () the history and characteristics of the defendant;
- D. () the nature and seriousness of the danger to any person or to the community.

IV.

The Court concludes:

- A. () Defendant poses a risk to the safety of other persons or the community because:

*drug history ; prior record ;
possible gang affiliations ;
parole status*

- B. () History and characteristics indicate a serious risk that defendant will flee because:

drug use ; failure to appear arrests

- C. () A serious risk exists that defendant will:

- 1. () obstruct or attempt to obstruct justice;

1 2. () threaten, injure or intimidate a witness/ juror; because:

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8 D. () Defendant has not rebutted by sufficient evidence to the contrary the presumption
9 provided in 18 U.S.C. § 3142(e).

10 IT IS ORDERED *without prejudice* that defendant be detained prior to trial.

11 IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections
12 facility separate from persons awaiting or serving sentences or person held pending appeal.

13 IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private
14 consultation with his counsel.

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Dated: 6/17/08



U.S. Magistrate Judge / District Judge

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